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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

BONNIE BRUDETT, AS INTERIM  
SUCCESSOR TRUSTEE, ETC., et al.,

Plaintiffs and Respondents,

v.

FRANCIS B. DOYLE, et al.,

Defendants and Appellants.

H033061  
(Santa Clara County  
Super. Ct. No. PR157838)

Appellants Francis Doyle and Anthony Caselli appeal an order to image and search hard drives and a protective order in conjunction with a probate matter.

**STATEMENT OF THE FACTS AND CASE**

The instant case concerns the KMP Irrevocable Trust, established by Kelsey Phipps, to provide for the “health, maintenance, education, travel, and welfare, and general welfare,” of the her two minor sons at the time of her death. Phipps died in a plane crash on October 2, 2000.

Upon Phipps’s death in 2000, James Valentine became the appointed trustee of the trust until he was suspended by the probate court in March 2007.

After suspending Valentine, the court appointed interim trustees, respondents Bonnie Burdett and Joyce Anthony. The probate court also ordered the KMP Trust’s

former attorneys, including appellants Doyle and Caselli, to turn over all documents related to the Trust to the Interim Trustees.

In order to effectuate its order to turn over Trust related documents, the probate court issued a new order requiring Doyle and Caselli to provide access to their computers to image and search hard drives for Trust related documents.

Doyle and Caselli filed a notice of appeal of the order to image and search hard drives.

### **DISCUSSION**

Our analysis begins with a discussion of the threshold issue of appealability. “[S]ince the question of appealability goes to our jurisdiction, we are dutybound to consider it on our own motion.” (*Olson v. Cory* (1983) 35 Cal.3d 390, 398; *van’t Rood v. County of Santa Clara* (2003) 113 Cal.App.4th 549, 559.)

There is no need for us to discuss the merit of Doyle and Caselli’s contentions, because their purported appeal is not from an appealable order. “A reviewing court has jurisdiction over a direct appeal only when there is (1) an appealable order or (2) an appealable judgment.” (*Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 696.) “A trial court’s order is appealable when it is made so by statute.” (*Ibid.*) Probate Code sections 1300 through 1303 specify the probate orders that are subject to appeal. An order to image and search hard drives is not one of the orders specified as appealable in Probate Code sections 1300 through 1303. Nor is there any other statute that makes such an order appealable. Consequently, Doyle and Caselli’s appeal must be dismissed because they have attempted to appeal from a nonappealable order.<sup>1</sup>

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<sup>1</sup> Respondents, Burdett and Anthony filed a motion to dismiss based on a nonappealable order that this court denied. After consideration of the record on appeal, we find the order is nonappealable, and therefore, dismiss this matter.

**DISPOSITION**

The appeal is dismissed.

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RUSHING, P.J.

WE CONCUR:

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PREMO, J.

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ELIA, J.